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Attorneys for Plaintiff Bizapedia, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BIZAPEDIA, LLC., a Nevada limited liability
company,

Plaintiff,

v.

DOES 1-11, inclusive,

Defendants.

Case No. 2:14-cv-00220-APG-GWF

**DECLARATION OF JEFFREY M.
ROSENFELD IN SUPPORT OF
PLAINTIFF'S SECOND EX PARTE
MOTION FOR LEAVE TO CONDUCT
EARLY DISCOVERY**

Date: In Chambers
Time: In Chambers
Ctrm: 3A
Judge: The Hon. George Foley, Jr.

1 I, Jeffrey M. Rosenfeld, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and the United
3 States District Court for the District of Nevada *pro hac vice* for this case. I am partner at the law
4 firm of Kronenberger Rosenfeld, LLP, counsel of record for Plaintiff Bizapedia, LLC (“Plaintiff”
5 or “Bizapedia”). Unless otherwise stated, I have personal knowledge of the matters stated herein.

6 2. Plaintiff’s complaint alleges several causes of action against Defendants whose
7 identities are not presently known to Plaintiff. The complaint asserts causes of action against
8 these unknown Defendants for false advertising under the Lanham Act, 15 U.S.C. §1125(a) and
9 defamation and business disparagement under Nevada common law.

10 3. Pursuant to Civil Local Rule 7-5, Defendants’ stipulation to Bizapedia’s *ex parte*
11 motion for leave to conduct early discovery could not be obtained because Defendants’ identities
12 and locations are not presently known to me or to Bizapedia.

13 4. On January 14, 2014, my office sent letters to the following websites, asking them
14 to remove false and disparaging statements about Bizapedia: <complaintsboard.com>,
15 <complaintwire.org>, <usaconsumercomplaints.com>, and <pissedconsumer.com> (the
16 “Watchdog Websites”). Attached hereto as **Exhibits A-D** are true and correct copies of Plaintiff’s
17 letters to these websites.

18 5. None of the Watchdog Websites provided me with any identifying information
19 about the posters of the statements identified in Exhibits A-D in response to the letters.

20 6. On March 17, 2014, Bizapedia sought to serve subpoenas on the operators of the
21 following websites: <pissedconsumer.com>, <complaintsboard.com>,
22 <usaconsumercomplaints.com>, and <complaintwire.org>.

23 7. On March 24, 2014, the operator of <complaintwire.org> responded to the
24 subpoena by email but said that it did not retain any IP addresses or other identifying information
25 for the posters on its website.

26 8. On March 18, 2014, the operator of <complaintsboard.com> responded to the
27 subpoena by email but said that it was now located outside of the U.S. and thus as not subject to
28 jurisdiction of the Court and that the subpoena was not properly served.

9. On March 20, 2014, the operator of <usaconsumercomplaints.com> responded to the subpoena by email but said that it was now located outside of the U.S. and thus as not subject to jurisdiction of the Court and that the subpoena was not properly served.

10. On April 20, 2014, the operator of the <pissedconsumer.com> website (*i.e.* Opinion Corp.) responded to the subpoena, providing the IP addresses used to publish four of the defamatory posts on that website. More specifically, Opinion Corp. identified the following IP Addresses, which public records show are owned by the following ISPs:

Post Number as Set Forth in Exhibit B to Allen Decl.	IP Address	Owner of IP Address
Post No. 8	75.84.124.70	Time Warner Cable Internet LLC
Post No. 9	69.196.143.223	TekSavvy Solutions, Inc.
Post No. 10	173.69.162.52	Verizon Online LLC
Post No. 11	173.69.162.52	Verizon Online LLC

Attached hereto as **Exhibit E** is the response received from Opinion Corp.

11. Despite Opinion Corp's response, Bizapedia is still unable to identify Defendants because Opinion Corp. was only able to provide the IP addresses of the posters. The public records for the IP addresses produced by Opinion Corp. identify the owners as ISPs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on April 25, 2014, in San Francisco, California.

s/ Jeffrey M. Rosenfeld
Jeffrey M. Rosenfeld